


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 037145-1501						
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>On October 14, 2008</p> <p>Signature _____</p> <p>Typed or printed name _____</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> Application Number 10/825,575 </td> <td style="width: 50%; padding: 5px;"> Filed 4/15/2004 </td> </tr> <tr> <td colspan="2" style="padding: 5px;"> First Named Inventor Tomi Heinonen </td> </tr> <tr> <td style="padding: 5px;"> Art Unit 3736 </td> <td style="padding: 5px;"> Examiner Rajan, Kai </td> </tr> </table>		Application Number 10/825,575	Filed 4/15/2004	First Named Inventor Tomi Heinonen		Art Unit 3736	Examiner Rajan, Kai
Application Number 10/825,575	Filed 4/15/2004							
First Named Inventor Tomi Heinonen								
Art Unit 3736	Examiner Rajan, Kai							
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"> <div style="width: 45%;"> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37,268</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> </div> <div style="width: 50%; text-align: center;">  _____ Signature </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"> <div style="width: 45%;"></div> <div style="width: 50%; text-align: center;"> <p>_____ G. Peter Albert Jr. Typed or Printed Name</p> <p>_____ (858) 847-6735 Telephone Number</p> <p>_____ October 14, 2008 Date</p> </div> </div>								
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>								
<p><input checked="" type="checkbox"/> *Total of 1 forms are submitted.</p>								

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heinonen et al.
Title: PHYSIOLOGICAL EVENT
HANDLING SYSTEM AND
METHOD
Appl. No.: 10/825,575
Filing Date: 4/15/2004
Examiner: Rajan, Kai
Art Unit: 3769
Confirmation Number: 8670

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

REMARKS

Claims 1-51 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Publication No. 2003/0212311 to Nova et al. (hereinafter "Nova"). Applicant respectfully traverses the rejection for at least the following reasons.

As noted in an earlier paper by Applicant, in accordance with embodiments of the present invention, a signal from a monitoring device includes a general broadcast emergency signal. Further, in accordance with embodiments of the present invention, as described in the specification, "mobile devices within communication range of the monitoring device 100 can

be configured to relay this message” Specification, paragraph [0021]. Thus, the emergency broadcast signal can be received by mobile devices which can transmit the message to, for example, a medical facility. Accordingly, independent claim 1 recites “receiving at a mobile wireless event handling device, a first signal” Further, independent claim 12 recites a system comprising “a mobile wireless event handling device.” Independent claim 24 recites “a transmitter transmitting a signal ... for receipt by mobile devices.” Independent claim 33 recites a mobile wireless event handling device. Further, independent claim 39 recites “receiving a first signal in the mobile wireless event handling device from a monitor.”

In sharp contrast, Nova fails to teach or suggest at least this feature of independent claims 1, 12, 24, 33 and 39. Nova relates to a therapy-delivering device which can trigger and communicate with an alarm system, “such as a residential or business alarm system.” See Nova, ¶ [0022]. In this regard, the therapy-delivering device communicates with a fixed central station, not a mobile device. There is no teaching or suggestion of any mobile device in the system disclosed by Nova. Accordingly, Nova fails to teach or suggest at least the above-noted feature of independent claims 1, 12, 24, 33 and 39.

In the “Response to Arguments” section of the Office Action, the Examiner notes that Nova “teaches the central monitoring station comprising a communication interface constructed with communication electronics of a pager or wireless telephone.” Office Action dated June 12, 2008, Page 5 (quoting Nova, Paragraph [0052]). Based on this disclosure, the Examiner alleges that Nova discloses a wireless phone which constitutes a “mobile wireless event handling device.” See Office Action dated June 12, 2008, Pages 5-6. Applicant respectfully disagrees with the Examiner’s interpretation of this disclosure of Nova.

Specifically, Nova merely discloses that the “communication interface of the central monitoring station 140 may be constructed with communication electronics of a pager or wireless telephone” Constructing a device from the components of a wireless telephone does not make the device wireless or mobile. Rather, Nova merely suggests constructing the communication interface of the central monitoring station with such components to facilitate

communication with the central control station 110. There is no teaching or suggestion that the communication interface, or the central monitoring station itself, is a mobile device.

Such a teaching would be contrary to the disclosure of Nova. Nova relates to communication through a fixed system, such as a residential alarm system, as indicated in the title, abstract and throughout the specification of Nova. The use of a mobile device in this regard would be contrary to the teachings of Nova.

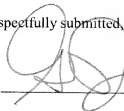
In the Advisory Action, the Examiner now argues that the term "mobile"

Thus, claims 1, 12, 24, 33 and 39 are patentable. Claims 2-11, 42-44 and 47 depend, either directly or indirectly, from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claims 13-23, 45 and 48 depend from allowable claim 12, claims 25-32, 46 and 49 depend from allowable claim 24, claims 34-38 and 50 depend from allowable claim 33, and claims 40-41 and 51 depend from allowable claim 39. Therefore, claims 13-23, 25-32, 34-38 and 40-51 are patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

By



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